

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 18217 of 2007(R)

PETITIONER:

**MADIYATH SARASAN, S/O. C.P.KUNHIRAMAN,
NOW RESIDING AT SRILAKSHMI, CHEMBILODE, KANNUR.**

**BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH**

RESPONDENTS:

- 1. P.R. MOHANAN,
SECRETARY, DYFI, CHEMBILODE VILLAGE COMMITTEE,
CHEMBILODE, KANNUR.**
- 2. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, THALASSERY.**
- 3. THE COMMISSIONER,
THE OFFICE OF THE COMMISSIONER OF LAND REVENUE,
THIRUVANANTHAPURAM.**
- 4. THE SECRETARY,
AGRICULTURE (NCA) DEPARTMENT, THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.M.PAREETH
GOVERNMENT PLEADER SRI.M.R.SABU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WPC NO.18217/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER WITH REF.NO.L.1754/99 DT.5.3.99.

**EXT.P2: TRUE COPY OF THE ORDER RE.NO.LRA1-25351/99 DDIS ISSUED
BY THE 3RD RESPONDENT, DT.29.12.1999.**

**EXT.P3: TRUE COPY OF THE ORDER REF.NO.G.O(RT)NO.384/06/AD
DT.16.3.2007.**

EXT.P4: TRUE COPY OF THE ORDER WITH REF.NO.L.1754/99 DT.29.6.99

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 18217 OF 2007 R
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Dated this the 2nd day of November, 2007

J U D G M E N T

The challenge in this writ petition is against Exts.P2, P3 and P4 orders passed under the provisions of the Kerala Land Utilization Order, 1967. The proceedings have been initiated and concluded on the assumption that without the permission in terms of the above order, petitioner has converted the land and thus violated the said order. It is on that sole basis, Exts. P2, P3 and P4 orders were issued.

2. However, on going through these orders, I notice that there is no definite finding that the land has been under cultivation with any food crops for the period specified in the said order. In the absence of such a finding, Clause 6 of the said order is inapplicable. Therefore, the matter requires to be reconsidered.

3. Accordingly, quashing Exts.P2, P3 and P4, I direct the 2nd respondent to reconsider the matter and pass orders with notice to the petitioner.

Writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp